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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,865	10/28/2003	Max Michael Holler	DWE/HOLLER II	9468
32834	7590	01/25/2006	EXAMINER	
D.W. EGGINS 18 DOWNSVIEW DRIVE BARRIE, ON L4M 4P8 CANADA			LAUX, JESSICA L	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,865	Applicant(s) HOLLER, MAX MICHAEL	
	Examiner Jessica Laux	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 3, 4, and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 3 is objected to because of the following informalities: Claim 3 recites the limitation "said semi-spherical structure" in line 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required. For examination purposes it is interpreted to be "said semi-spherical enclosure".

Claim 4 is objected to because of the following informalities: Claim 4 recites the limitation "said semi-spherical structures" in line 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required. For examination purposes it is interpreted to be "said support structures".

Claim 6 is objected to because of the following informalities: Claim 6 recites the limitation "said structure" in line 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required. For examination purposes it is interpreted to be "said support structures".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boston (6401647) in view of Finsterwalder (4275679).

In regards to claim 1: Boston teaches a structure having a deck (12) surmounted by a substantially semi- spherical enclosure (13) having at least one access door (34) to the interior thereof, but does not teach a plurality of enclosed support structures in mutually spaced supporting relation beneath the deck. Finsterwalder teaches a structure having a deck (23) surmounted by a structure (Col. 5, lines 29-30), and a plurality of enclosed support structures (Fig. 2, element 7) in mutually spaced supporting relation beneath the deck. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the floating structure as taught by Boston to have the support structure as taught by Strauss because the support spheres provide additional stability and resistance to waves and rough water.

In regards to claim 2: The structure as set forth in Claim 1, wherein said support structures are substantially semi-spherical (Finsterwalder- Figure2, element 7; Col. 5, lines23-25).

In regards to claim 3: The structure as set forth in Claim 1, wherein said semi-spherical structure is of monocoque construction. Merriam-Webster Online Dictionary defines monocoque as "a type of construction in which the outer skin carries all or a major part of the stress". The dome structure (Boston- 13) as taught by Boston has no internal framework for support therefore is considered to be of monocoque construction.

In regards to claim 4: The structure as set forth in Claim 2, wherein said semi-spherical structures are of monocoque construction. The semi-spherical support structures (Finsterwalder- 7) are made of reinforced concrete which is considered to be monocoque construction as defined by Merriam-Webster Online Dictionary.

In regards to claim 5: The structure as set forth in Claim 1, wherein said deck is substantially triangular in plan-form (Finsterwalder- Col. 2, lines 51-52).

In regards to claim 9: The structure as set forth in Claim 1, wherein said deck (Finsterwalder- 23) is a composite structure of channel sections, having an upper and a lower sheathing to substantially enclose the deck, as a sealed structure (Finsterwalder- Col. 2, lines 29-33).

In regards to claim 10: The structure as set forth in Claim 1, being a boat, in combination with at least one outboard motor (Finsterwalder- Figures 3-4, element 18; Col. 5, lines 30-32).

In regards to claim 11: The combination as set forth in Claim 9, including access steps secured to said deck (Boston- 35).

2. Claims 6 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boston (6401647) in view of Finsterwalder (4275679) as applied to claims 1 and 3 above, and further in view of Holler (6134849).

In regards to claim 6: Boston in view of Finsterwalder teaches the structure as in claim 1 above, but does not teach that the structure has an insulative layer over at least a portion of the interior of the structure. Holler teaches insulation with the panels (Col. 1, lines 55-56). It would have been obvious at the time the invention was made to modify the structure as taught in claim 1 to have insulation as taught by Holler because it known to insulate rooms used for living such as kitchen, living, bed rooms.

In regards to claim 7: Boston in view of Finsterwalder teaches the structure as in claim 3 above, but does not teach that the monocoque construction consists of a

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plurality of ribbed panels in mutually abutting secured relation with one rib extending inwardly. Holler teaches a dome structure of monocoque construction (Holler- Col. 1, lines 8-9) which consists of a plurality of ribbed panels in mutually abutting, secured relation (Holler- Col. 1, lines 27-31), said enclosure having at least one rib extending inwardly from said panels, within said enclosure (Holler- Figure 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dome structure as taught by Boston to be made of ribbed panels as taught by Holler because the panels provide for easier and faster installation and are lightweight yet strong.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boston (6401647) in view of Finsterwalder (4275679) as applied to claim 1 above, and further in view of Clasky et al. (4565149).

In regards to claim 8: Boston in view of Finsterwalder teaches the structure of claim 1 above and further having a plurality of access doors, but does not teach the dome structure to have windows. Clasky et al. teaches a floating dome enclosure including at least one window (Clasky et al.- Col. 4, line 1; elements 92 & 94). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dome structure as taught by Boston to have windows as taught by Clasky et al. because the structure as taught by Boston has a plurality of cabin-like units along the perimeter and it is obvious and well-known for cabins with living and bed rooms to have windows for viewing the outside.

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4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boston (6401647) in view of Holler (6134849).

In regards to claim 12: Boston teaches a structure consisting of a deck (Boston- 12) surmounted by a substantially monocoque paneled enclosure having at least one access door to the interior thereof (Boston- 13), but does not teach the structure to consist of a plurality of panels. Holler teaches a structure of monocoque construction wherein said enclosure has a wall consisting of a plurality of panels in mutually abutting relation (Holler- Figure 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the structure as taught by Boston to be made of panels as taught by Holler because the panels are easy to assemble.

In regards to claim 14: The structure as set forth in Claim 12, wherein said enclosure (Boston- 13) is attached in substantially sealed relation to said deck (Boston- 12).

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boston (6401647) in view of Holler (6134849) as applied to claim 12 above, and further in view of Clasky et al. (4565149).

In regards to claim 13: Boston in view of Holler teaches the structure of claim 12 above, but does not disclose the panels as having windows. Clasky et al. teaches a structure wherein a plurality of said panels are windows (Clasky et al. - elements 92 & 94).

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boston (6401647) in view of Holler (6134849) as applied to claim 14 above, and

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further in view of Finsterwalder (4275679). Boston in view of Holler teaches a structure as in claim 14 above but does not teach the structure to have support structures beneath the deck.

In regards to claim 15: The structure as set forth in Claim 14, including a plurality of enclosed support structures (Finsterwalder- 7) in mutually spaced supporting relation beneath the deck (Finsterwalder- Figure 1).

In regards to claim 16: The structure as set forth in Claim 15, wherein said plurality of enclosed support structures are substantially identical; being arranged in mutually spaced relation beneath said deck (Finsterwalder- Figures 1 &2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JL
01/17/2006



Naoko Slack
Primary Examiner